

THURSDAY, MARCH 11, 2010

SIXTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Steve Mosher of St. Andrew's Episcopal Church in Maryville, Tennessee, a guest of Senator Overbey.

PLEDGE OF ALLEGIANCE

Senator Overbey led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

March 10, 2010

Hon. Ron Ramsey
Lt. Governor and Speaker of the Senate
Suite One, Legislative Plaza
Nashville, Tennessee 37243

Dear Mr. Speaker Ramsey:

Please excuse my absence from the Senate for Thursday, March 11, 2010, by reason of the fact that I have an appointment with an otolaryngologist at Vanderbilt. It is the only appointment I could have with the doctor until August 2010. Thank you for your consideration.

Very truly yours,

/s/ Douglas Henry

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 135 with amendment, 2607 with amendment, 2792, 2983, 3602 with amendment and 3348; Senate Joint Resolution No. 787; and House Joint Resolutions Nos. 733, 776 and 842; also, recommend that Senate Bills Nos. 2606 with amendment and 2658 with amendment be referred to Committee on Finance, Ways and Means.

KETRON, Chairperson
March 10, 2010

The Speaker announced that he had referred Senate Bills Nos. 135 with amendment, 2607 with amendment, 2792, 2983, 3602 with amendment and 3348; Senate Joint Resolution No. 787; and House Joint Resolutions Nos. 733, 776 and 842 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2606 with amendment and 2658 with amendment to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2850 with amendment; also, recommend that Senate Bill No. 223 with amendment be referred to Commerce, Labor and Agriculture; Senate Bill No. 3341 with amendment be referred to Committee on General Welfare, Health and Human Resources; and Senate Bill No. 3661 be referred to Committee on Judiciary.

WATSON, Chairperson
March 10, 2010

The Speaker announced that he had referred Senate Bill No. 2850 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 223 with amendment to the Committee on Commerce, Labor and Agriculture.

The Speaker announced that he had referred Senate Bill No. 3341 with amendment to the Committee on General Welfare, Health and Human Resources.

The Speaker announced that he had referred Senate Bill No. 3661 to the Committee on Judiciary.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1553 with amendment, 2031, 2871 with amendment and 3245 with amendment; and Senate Joint Resolution No. 794; also, recommend that Senate Bills Nos. 2639 with amendment, 2746 with

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amendment and 3092 with amendment be referred to Committee on Finance, Ways and Means; and Senate Bill No. 508 with amendment be referred to Committee on Commerce, Labor and Agriculture.

CROWE, Chairperson
March 10, 2010

The Speaker announced that he had referred Senate Bills Nos. 1553 with amendment, 2031, 2871 with amendment and 3245 with amendment; and Senate Joint Resolution No. 794 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2639 with amendment, 2746 with amendment and 3092 with amendment to the Committee on Finance, Ways and Means.

The Speaker announced that he had referred Senate Bill No. 508 with amendment to the Committee on Commerce, Labor and Agriculture.

PRESENTATION

Senator Barnes presented **House Joint Resolution No. 808** to members of Austin Peay State University Theta Delta Chapter of Phi Alpha Theta National Honor Society.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 863 through 865** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 863 by Senator Yager.
Memorials, Recognition -- Joe Sexton.

Senate Joint Resolution No. 864 by Senator Yager.
Memorials, Recognition -- Bo Miles.

Senate Joint Resolution No. 865 by Mr. Speaker Ramsey.
Memorials, Recognition -- Anthony Vervoordeldonk, Make-A-Wish child.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 851 through 862**; and **Senate Resolutions Nos. 203 and 204** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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Senate Joint Resolution No. 851 -- Memorials, Recognition -- Little Debbie Snack Cakes, 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 851 to the Committee on Calendar.

Senate Joint Resolution No. 852 -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 852 to the Committee on Calendar.

Senate Joint Resolution No. 853 -- Memorials, Recognition -- Mt. Olive Baptist Church, 125th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 853 to the Committee on Calendar.

Senate Joint Resolution No. 854 -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 854 to the Committee on Calendar.

Senate Joint Resolution No. 855 -- Memorials, Death -- Charles Henry Smart, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 855 to the Committee on Calendar.

Senate Joint Resolution No. 856 -- Memorials, Public Service -- Jean Pollard.

The Speaker announced that he had referred Senate Joint Resolution No. 856 to the Committee on Calendar.

Senate Joint Resolution No. 857 -- Memorials, Death -- John Stanley Wassom.

The Speaker announced that he had referred Senate Joint Resolution No. 857 to the Committee on Calendar.

Senate Joint Resolution No. 858 -- Memorials, Public Service -- A. B. Freytag.

The Speaker announced that he had referred Senate Joint Resolution No. 858 to the Committee on Calendar.

Senate Joint Resolution No. 859 -- Memorials, Death -- E. Edward Foland.

The Speaker announced that he had referred Senate Joint Resolution No. 859 to the Committee on Calendar.

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Senate Joint Resolution No. 860 -- General Assembly, Statement of Intent or Position -- Expresses the sense of the General Assembly that enemy combatants should be tried in military commissions.

The Speaker announced that he had referred Senate Joint Resolution No. 860 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 861 -- Memorials, Recognition -- Anderson County Emergency Medical Services, 40th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 861 to the Committee on Calendar.

Senate Joint Resolution No. 862 -- Memorials, Recognition -- Recognizes the Duck River Watershed Association and The Nature Conservancy for their efforts to protect the Duck River.

The Speaker announced that he had referred Senate Joint Resolution No. 862 to the Committee on Calendar.

Senate Resolution No. 203 -- Memorials, Death -- Charles William Lee, Sr.

The Speaker announced that he had referred Senate Resolution No. 203 to the Committee on Calendar.

Senate Resolution No. 204 -- General Assembly, Confirmation of Appointment -- Jeffery Clay Lewis, Tennessee Peace Officer Standards and Training (POST) Commission.

The Speaker announced that he had referred Senate Resolution No. 204 to the Committee on Judiciary.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 833 -- Memorials, Death -- Charlene Walker.

Senate Joint Resolution No. 835 -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

Senate Joint Resolution No. 837 -- Memorials, Recognition -- Buddy Testerman.

Senate Resolution No. 201 -- Memorials, Recognition -- Saint Mark Baptist Church, 100th anniversary.

Senate Resolution No. 202 -- Memorials, Recognition -- Herman Williams, Jr.

House Joint Resolution No. 871 -- Memorials, Recognition -- BlueLinx Corporation, Volunteer STAR Safety Award.

House Joint Resolution No. 872 -- Memorials, Retirement -- Jessie S. Powers.

House Joint Resolution No. 873 -- Memorials, Death -- Allan Silvio Williams.

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Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that **Senate Bill No. 2761** be rereferred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR NO. 2

Objections having been raised, the following resolutions were placed at the heel of the calendar for Monday, March 15, 2010, pursuant to Rule 38: **Senate Joint Resolutions Nos. 821, 822 and 823.**

Senate Bill No. 2499 -- Special License Plates -- As introduced, authorizes issuance of International Association of Firefighters (Retired) new specialty earmarked license plates; 50 percent of the proceeds for such plates shall be allocated to the Tennessee Firefighters Emergency Relief Fund. Amends TCA Title 55, Chapter 4.

Senate Bill No. 2500 -- Special License Plates -- As introduced, authorizes issuance of International Association of Firefighters new specialty earmarked license plates for motorcycles. Amends TCA Section 55-4-260.

Senate Bill No. 2582 -- Special License Plates -- As introduced, authorizes issuance of special license plates for submarine veterans of the U.S. Armed Forces. Amends TCA Title 55, Chapter 4.

Senate Bill No. 2670 -- Special License Plates -- As introduced, authorizes issuance of "Friends of Coal" new specialty earmarked plates; proceeds from such plates allocated to Tennessee surface mine reclamation fund to be used for reclamation and revegetation of property affected by mining and exploration operations. Amends TCA Title 55, Chapter 4.

Senate Bill No. 2779 -- Special License Plates -- As introduced, extends until July 1, 2011, the initial issuance period for I RECYCLE new specialty earmarked license plates. Amends TCA Section 55-4-304.

Senate Bill No. 2932 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked plates for Tennessee Soccer; proceeds from such plates allocated to Tennessee State Soccer Association for programs and services that foster growth of youth through soccer. Amends TCA Title 55, Chapter 4.

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Senate Bill No. 3119 -- Highway Signs -- As introduced, "Bob Brown Administration Building", new TDOT building in Chattanooga.

Senate Bill No. 3328 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked license plates for University of Tennessee athletics; allocates 50 percent of funds produced from sale thereof to the Tennessee Fund. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3472 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked plates for Lions Club; allocates funds from sale of such plates to each Lions Club in Lawrence, Lewis, and Wayne counties for programming. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3499 -- Special License Plates -- As introduced, authorizes issuance of honorably discharged registration plates to civilian veterans of the United States Army Corps of Engineers. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3515 -- Special License Plates -- As introduced, authorizes issuance of blue star family license plates on a revenue neutral basis. Amends TCA Title 55, Chapter 4.

Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 763 -- Constitutional Amendments -- Proposes an amendment to clarify the constitutional language that currently prohibits the levying of a tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payrolls.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 763** had been read.

Senator Southerland moved that **Senate Bill No. 2403** be placed on the Calendar for Monday, March 15, 2010, which motion prevailed.

Senate Bill No. 2778 -- Parks, Natural Areas Preservation -- As introduced, states that any person who requires emergency assistance from the division of parks and recreation on state park grounds shall reimburse the division for any costs associated with the assistance provided. Amends TCA Title 11, Chapter 3.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated section:

§ 11-3-1___. The Commissioner of the Department of Environment and Conservation is authorized to charge any person for the costs of providing rescue or other emergency assistance in the state parks. The commissioner is encouraged to implement this authority in a manner that is cost-effective and does not adversely impact public relations.

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 3, is amended by replacing the language "division of parks and recreation" wherever it occurs with the language "division of state parks and natural areas".

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Burchett moved that **Senate Bill No. 2778** be placed at the heel of the Calendar for today, which motion prevailed.

Senate Bill No. 2814 -- Utilities, Utility Districts -- As introduced, authorizes utility districts to enforce payment of garbage collection and disposal service fees by filing a lien. Amends TCA Title 6; Title 7 and Title 68, Chapter 221.

Senator Haynes declared Rule 13 on **Senate Bill No. 2814**.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-312, is amended by designating the existing language in subsection (a) as subdivision (a)(1) and by adding the following language as a new subdivision (2):

(2)(A) In addition to enforcing the payment of fees in accordance with subdivision (1), a water utility district is authorized to enter into a contract with a municipality to which this subdivision (2) applies which provides and charges for garbage and refuse collection and disposal services to bill and collect the monthly municipal charge for such services as an added designated item on its water service bills, or otherwise, and to enforce the collection of such charges in any manner authorized by law for collecting unpaid debts due and owing. Such enforcement authority shall not impair nor alter the ability of the municipality to enforce the collection of such charges.

(B) Prior to taking any action which might affect a property owner, if different from the user of the garbage and refuse collection and disposal services, the utility district or municipality shall give notice to the property owner, not less than ninety (90) days prior to the filing of any action where the property owner may be named as a defendant. The notice shall also contain a statement to the effect that, unless the payments are brought up-to-date, an action will be filed in chancery court and a judgment lien may attach to the property.

(C) The provisions of this subdivision (2) shall only apply to any water utility district which enters into a contract for the collection of a municipal garbage and refuse collection and disposal services charge with any municipality having a population of not less than thirteen thousand seven hundred (13,700) nor more than fourteen thousand (14,000), according to the 2000 federal census or any subsequent federal census.

(D) The utility district or municipality, if the municipality files the action, shall bear the reasonable costs incurred by a property owner in defending such an action due to an error in the records or fees of the utility district or municipality related to the provision of garbage and refuse collection and disposal services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2814**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2974 -- Children's Services, Dept. of -- As introduced, removes provisions that require a county to pay the state for the actual daily cost to the state for the length of stay of a child in state custody after such county exceeds 300 percent of the state average commitment rate for dependent and neglected children or delinquent children. Amends TCA Title 37.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-2-205(f), is amended by deleting it in its entirety and hereby substituting the following language:

(f)(1)(A) In order to enhance communication between the Department of Children's Services and juvenile court judges across the state, the department shall provide to the juvenile court judge(s) for each county a report which includes:

(i) The number of commitments to state custody for dependent and neglected children, unruly children, and delinquent children for the previous twelve (12) month period by county.

(ii) The statewide average commitment rate per thousand youth based on the latest county population data as provided by the Department of Health.

(B) The report shall be provided to judges on a semiannual basis and shall also be made available on the department's Web site.

(2) The department may initiate a collaborative planning process at the time a county's commitment rate is believed to be likely to exceed two hundred percent (200%) of the statewide average commitment rate. Upon request of the court, the department shall partner with the court to develop and implement strategies to address any factors contributing to higher commitment rates in such county.

(3) On or before February 1 of each year, the Department of Children's Services shall provide to the select committee on children and youth a report of county commitment data for the previous calendar year and a description of actions taken as part of the collaborative planning process.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2974**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3379 -- Special License Plates -- As introduced, authorizes issuance of special license plates for the International Brotherhood of Electrical Workers. Amends TCA Title 55, Chapter 4.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new subsection to the amendatory language of Section 2 of the printed bill:

(c) The funds produced from the sale of such International Brotherhood of Electrical Workers new specialty earmarked license plates shall be allocated to St. Jude Children's Hospital in accordance with § 55-4-215. Such funds shall be used exclusively to support St. Jude Children's Hospital's efforts to provide exemplary medical treatment and care to children.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3379**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 3789 -- Parks, Natural Areas Preservation -- As introduced, expands the daily commercial carrying capacity for whitewater rafting in the lower Ocoee River Recreational Area. Amends TCA Title 11, Chapter 13 and Title 11, Chapter 3.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting everything following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 13, is amended by adding the following as a new, appropriately designated section:

Section 11-13-1__.

(a) Notwithstanding any law, rule or regulation to the contrary, the daily commercial carrying capacity for that section of the Ocoee River between Rogers Branch and Caney Creek in the lower Ocoee River Recreational Area shall be four thousand two hundred and fifty (4,250) commercial customers for the dates on which the commercial usage on such dates during the last season exceeded four thousand two hundred and fifty (4,250) customers. Each date on which the carrying capacity was capped for the last season shall also be capped on the same date for the next season unless the commercial usage on the capped date during the previous season fell below four thousand fifty (4,050) customers.

(b) Notwithstanding subsection (a), Hiwassee/Ocoee Scenic River State Park management shall have the authority to increase or decrease the daily commercial carrying capacity at the lower Ocoee River Recreational Area to the extent staffing and infrastructure will allow; provided that any such decrease will not go below four thousand (4,000) commercial customers.

(c) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3789**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2534 -- Naming and Designating -- As introduced, names pumper/operations building at Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of Lewis H. Baker.

On motion, Senate Bill No. 2534 was made to conform with **House Bill No. 2500**.

On motion, House Bill No. 2500, on same subject, was substituted for Senate Bill No. 2534.

House Bill No. 2500 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3026 -- Mental Illness -- As introduced, alters the process by which an inmate is released from a mental retardation facility by changing the hearing date from 21 to 90 days since the receipt of notice to the court, and by changing the notice from the court to the facility from 15 to 60 days. Amends TCA Title 33, Chapter 5, Part 4; Title 39 and Title 40, as amended.

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Thereupon, **Senate Bill No. 3026**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2778

Senator Herron moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting from Section 1 the term "relations" and inserting "safety".

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 1 was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 2778**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MESSAGE CALENDAR

Senator Faulk moved that **Senate Bill No. 2410** be placed on the Message Calendar for Monday, March 15, 2010, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2846 -- Professions and Occupations -- As introduced, authorizes an operator of a crematory facility to dispose of unclaimed cremated human remains after 180 days have passed since the cremation occurred; provided, the operator maintains a record of the disposition for inspection at any time. Amends TCA Title 62.

Senator Ford declared Rule 13 on **Senate Bill No. 2846**.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-508, is amended by adding the following language as a new subsection (c):

(c) Unless otherwise specified by any written agreement between the operator of the crematory facility or funeral establishment and the person, or entity requesting the cremation of human remains, any cremated human remains unclaimed one hundred eighty (180) calendar days from the date of cremation, may be interred, entombed, or inurned by the operator of the crematory facility, and a record of the disposition of such unclaimed cremated human remains shall be made available by the operator of the crematory facility or funeral establishment for inspection during normal business hours.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Southerland moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2846**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Barnes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 880**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 880 -- Memorials, Recognition -- Batson, Nolan, Pearson, Miller, and Joiner, 150th anniversary.

On motion of Senator Barnes, the rules were suspended for the immediate consideration of the resolution.

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On motion, **House Joint Resolution No. 880** was concurred in.

MOTION

On motion of Senators Bunch and Black, their names were added as sponsors of **Senate Joint Resolution No. 835**.

On motion of Senators Marrero, Tate, Kyle and Norris, their names were added as sponsors of **Senate Resolution No. 201**.

On motion of Senators Norris, Kelsey, Kyle, Tate and Ford, their names were added as sponsors of **Senate Resolution No. 202**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 871**.

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 872**.

On motion of Senators Crowe, Harper, Burks and Marrero, their names were added as sponsors of **Senate Bill No. 2499**.

On motion of Senators Crowe, Burks and Marrero, their names were added as sponsors of **Senate Bill No. 2500**.

On motion of Senators Crowe, Burks and Black, their names were added as sponsors of **Senate Bill No. 2582**.

On motion of Senators Crowe and Overbey, their names were added as sponsors of **Senate Bill No. 2670**.

On motion of Senators Crowe, Harper and Black, their names were added as sponsors of **Senate Bill No. 2761**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bills Nos. 2779 and 3472; and Senate Joint Resolution No. 837**.

On motion of Senators Bunch, Crowe, Burks, Marrero and Black, their names were added as sponsors of **Senate Bill No. 2932**.

On motion of Senators Stewart, Bunch, Yager and Burks, their names were added as sponsors of **Senate Bill No. 3119**.

On motion of Senators Crowe and Burks, their names were added as sponsors of **Senate Bill No. 3328**.

On motion of Senators Bunch, Crowe and Burks, their names were added as sponsors of **Senate Bill No. 3499**.

On motion of Senators Herron, Bunch, Burks, Marrero, Barnes, Harper, Ford, Finney, Tate, Haynes and Berke, their names were added as sponsors of **Senate Bill No. 3515**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2846**.

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On motion of Senators Yager and Faulk, their names were added as sponsors of **Senate Bill No. 2403**.

On motion of Senators Burks, Marrero, Harper, Barnes, Berke and Ford, their names were added as sponsors of **Senate Bill No. 2974**.

On motion of Senators Tate, Ford and Burchett, their names were added as sponsors of **Senate Bill No. 3379**.

On motion of Senators Tracy, Burchett, Ketron, Stewart and Marrero, their names were added as sponsors of **Senate Bill No. 3341**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 3125; and Senate Joint Resolution No. 844**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 3342; and House Joint Resolution No. 880**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 555**.

On motion of Senator Faulk, his name was added as prime sponsor of **Senate Bill No. 131**.

On motion of Senator Crowe, his name was removed as sponsor of **Senate Bill No. 131**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 3250**.

ENGROSSED BILLS

March 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2499, 2500, 2582, 2670, 2778, 2779, 2814, 2932, 2974, 3026, 3119, 3328, 3379, 3472, 3499, 3515 and 3789; and Senate Joint Resolutions Nos. 833, 835 and 837; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2593, 2609, 2611, 2614, 2615, 2698, 2769 and 3309; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 884, 886, 887, 888, 889, 891, 892, 893, 894 and 905; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2425 and 2427, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 817, 818, 819, 820, 824, 825, 826, 827, 828 and 829; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2425, 2427 and 2846; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 817, 818, 819, 820, 824, 825, 826, 827, 828 and 829; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 201 and 202, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 871, 872 and 873; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 880, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

March 11, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 2388, 2496, 2576, 2731, 2793, 2872 and 2967.

SIGNED

March 11, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 817, 818, 819, 820, 824, 825, 826, 827, 828 and 829.

SIGNED

March 11, 2010

The Speaker announced that he had signed the following: Senate Resolutions Nos. 201 and 202.

SIGNED

March 11, 2010

The Speaker announced that he had signed the following: House Bills Nos. 3036 and 3863; and House Joint Resolutions Nos. 871, 872 and 873.

SIGNED

March 11, 2010

The Speaker announced that he had signed the following: House Joint Resolution No. 880.

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2388, 2496, 2576, 2731, 2793, 2872 and 2967; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MARCH 11, 2010 -- 67TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 11, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 817, 818, 819, 820, 824, 825, 826, 827, 828 and 829; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2388, 2496, 2576, 2731, 2793, 2872 and 2967; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 12, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 817, 818, 819, 820, 824, 825, 826, 827, 828 and 829; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 15, 2010: Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849; and House Joint Resolutions Nos. 874, 876, 877, 878, 879, 881, 882, 883, 885 and 895.

This the 11th day of March, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 15, 2010: Senate Bills Nos. 2031, 2712, 2792, 2983, 2999, 3296, 3348, 3860 and 3861; Senate Joint Resolutions Nos. 787 and 794; Senate Resolutions Nos. 187 and 188; and House Joint Resolutions Nos. 733, 776 and 842.

This the 11th day of March, 2010.
MIKE FAULK, Chairperson.

THURSDAY, MARCH 11, 2010 -- 67TH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 15, 2010: Senate Joint Resolution No. 763; Senate Bills Nos. 1553, 2561, 2843, 2607 and 3019; Senate Joint Resolutions Nos. 822, 823 and 821; and Senate Bills Nos. 2391 and 2403.

This the 11th day of March, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Monday, March 15, 2010: Senate Bill No. 2410.

This the 11th day of March, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 15, 2010, which motion prevailed.